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BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554

Federal Communications Commission
Office of the Secretary

In the Matter of)

Amendment of Section 73.202(b),
Table of Allotments
FM Broadcast Stations)

(Roma, Texas)
(San Isidro, Texas))

DOCKET FILE COPY ORIGINAL

MB Docket No. 05-142
RM-11220

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MAY 10 2005

Federal Communication Commission
Bureau / Office

TO: Audio Division, Media Bureau

COMMENTS AND COUNTERPROPOSAL

La Voz Latino ("LVL"), by its attorneys, hereby submits Comments to the Notice of Proposed Rule Making (the "NPRM") in the above-captioned proceeding and also submits a counterproposal. The NPRM was issued in response to a petition for rule making filed by Charles Crawford ("Petitioner") with respect to Roma, Texas. Significantly, the NPRM erroneously described Petitioner's proposal as one that would provide Roma with its "first local FM allotment." In fact, Channel 249A is already allotted to Roma. FM station KBMI is licensed to BMP RGV License Company, L.P. The confusion on this point undoubtedly arose from Petitioner's assertion that his proposal would result in the "first competing FM service." *Petition for Rulemaking*, Docket 05-142; RM-11220 (December 16, 2004), at 1.

LVL opposes Petitioner's proposed amendment of the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, and offers a counterproposal that would better serve the public interest.

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The Commission's allotment priorities are: (1) first fulltime aural reception service; (2) second fulltime aural reception service; (3) first local aural transmission service; and (4) other public interest matters. Priorities (2) and (3) are given co-equal weight. *See Revision of FM Assignment Policies and Procedures*, 90 FCC 2d 88, ¶11, 51 RR 2d 807 (1982), *recon. denied* 56 RR 2d 448. Since Petitioner would provide a second local aural service to Roma, his proposal receives a priority four designation. However, the Commission's policies favor service to an underserved "grey area" over provision of a second local transmission service to Roma.

As a counterproposal, LVL requests the allotment of Channel 278A at San Isidro, Texas. The 2000 U.S. Census lists San Isidro as a Census Designated Place with a population of 208. More recent Census Bureau data show the population in 2003 was 270, reflecting a growth rate of almost ten per cent per year. In addition, San Isidro has its own post office, fire department, city commissioner, justice of the peace and school district. San Isidro also has a number of local churches.¹ As explained in the engineering exhibit attached hereto, this counterproposal would provide service to a grey area where 154 persons reside, in addition to service to people traveling on local roads, including Routes 1017 and 755. Thus, our counterproposal is entitled to the Bureau's consideration under priority two.

In view of the foregoing, Petitioner's proposal is in compliance with all Commission requirements for the suggested change and constitutes a preferential arrangement

¹ In Docket No. 01-305 (RM-10310), the Bureau has already determined that San Isidro is a community for allotment purposes. *San Isidro, Texas*, 17 FCC Rcd 24330 (MB 2002).

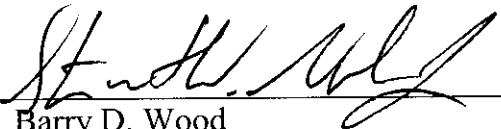
consistent with the FM allotment priorities. Accordingly, Petitioner respectfully requests that the Commission amend its Table of Allotments, 47 C.F.R. §73.202(b), to allot Channel 278A at San Isidro, Texas, as follows:

<u>Community</u>	<u>Present Allocation</u>	<u>Proposed Allocation</u>
Roma	249A	249A
San Isidro	247A	247A, 278A

The undersigned will apply for a construction permit for the new San Isidro allotment if allocated by the Commission and will promptly construct the station when a permit is granted.

Respectfully submitted,

LA VOZ LATINO

By: 
 Barry D. Wood
 Paul H. Brown
 Stuart W. Nolan, Jr.

WOOD, MAINES & BROWN, CHT'D.
 1827 Jefferson Place, NW
 Washington, DC 20036
 (202) 293-5333

Its attorneys

Dated: May 10, 2005

NTS - SAN ANTONIO**210-828-4555 gkeener@paradigm-llc.com****CHANNEL 278A, SAN ISIDRO, TX****NARRATIVE**

This Engineering Statement has been prepared on behalf of La Voz Latina ("LVL"), proponent of a new FM service at San Isidro, Texas. LVL proposes to assign channel 278A to this community. Another channel, 247A, has already been allocated to San Isidro (see dotted contour on attached overlap map).

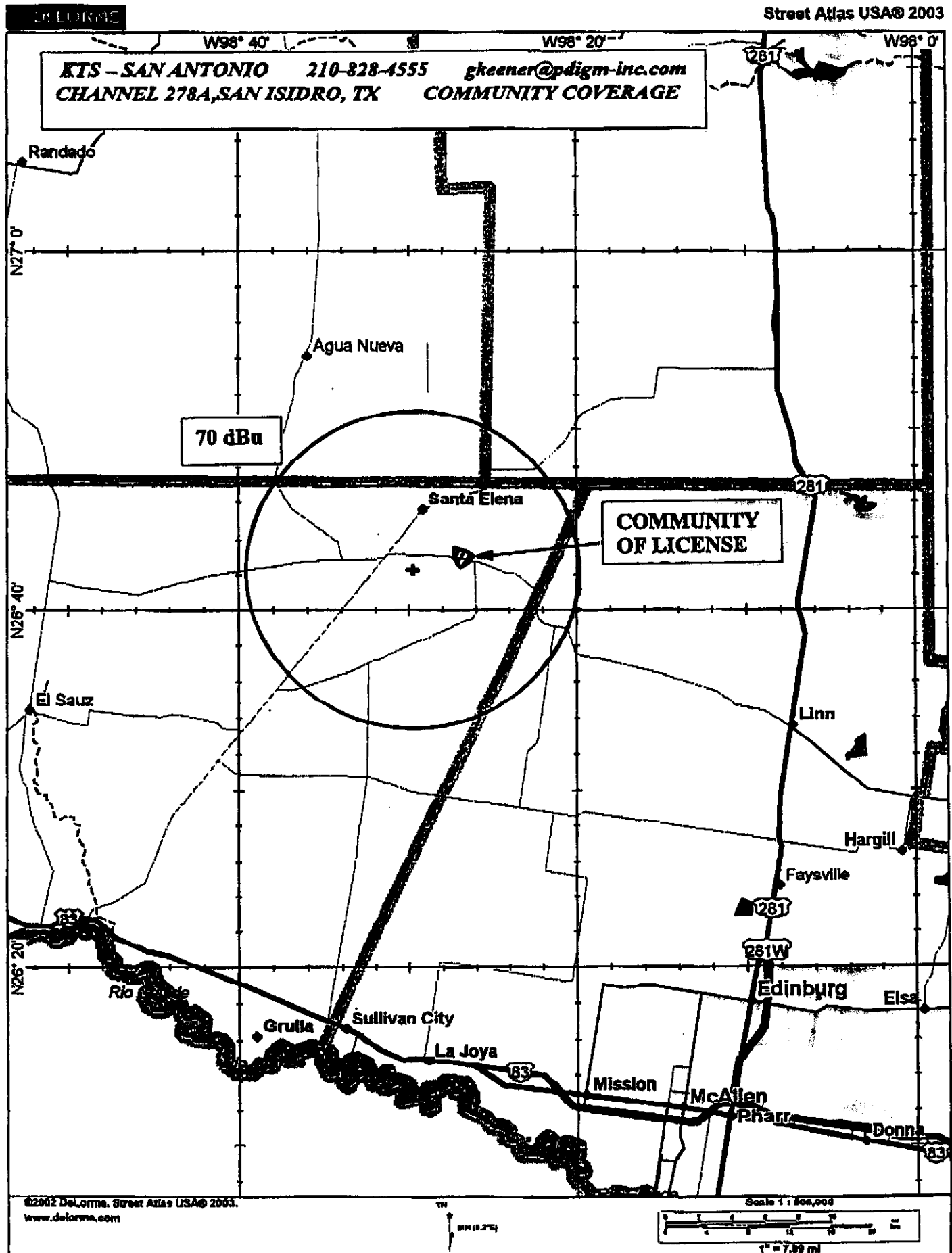
The attached community coverage map and interference study list show that this channel can be allocated to San Isidro with a site restriction of 6 kilometers west of the community. The population residing within the 60 dBu contour of this proposal is 1,670 persons (2000 Census, Block Data). Of that population, 154 persons reside within the grey area created by the proposal. The area is considered grey and not white due to overlap with the service contour of the allocation. The service contour of station KQBO forms the southern boundary of the grey area. The small area not overlapped by either the allocation or KQBO contains no population. The same is true for a small area overlapped by KVLV, but outside the KQBO contour. Thus the true population within the proposed contour that is only overlapped by the allocation is 154 persons.

The above and attached is correct and true as to my knowledge and belief.

May 10, 2005



Gary O. Keener



KTS - SAN ANTONIO

210-828-4555 gkooner@pdigm-inc.com

CHANNEL 278A, SAN ISIDRO, TX

INTERFERENCE STUDY LIST

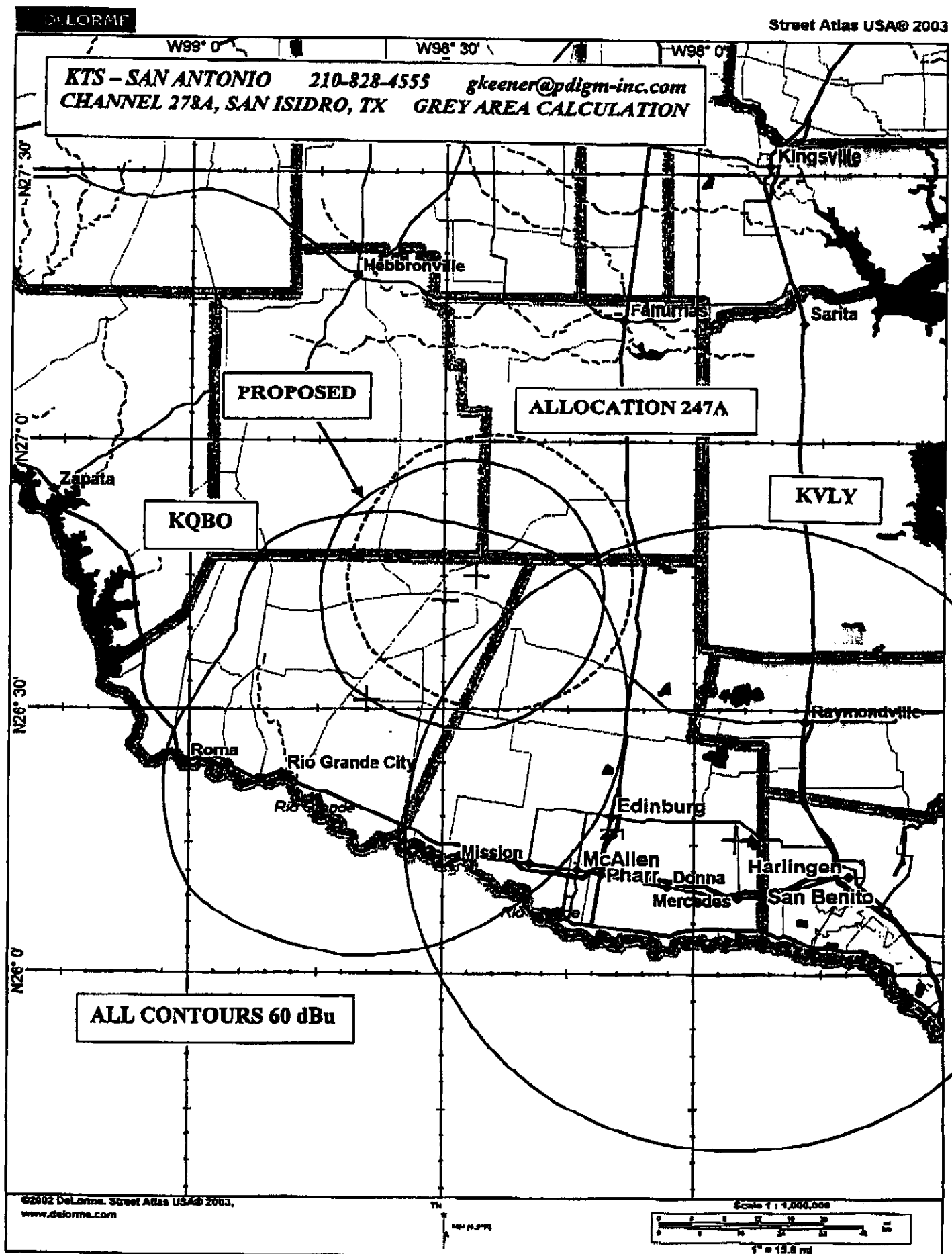
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FM Study for: NEW FCC Database Date: 5/6/2005 26-42-15
 Location: SAN ISIDRO, TX Channel Class: A 98-29-48
 [*] by HAAT indicates calculated as missing in database.
 Call City, State Chan Class Freq kW Latitude Dist. Required
 Status Proponent File Number HAAT Longitude Azm. Clear (km)

>>>>>> Study For Channel 278 103.5 MHz <<<<<<<<

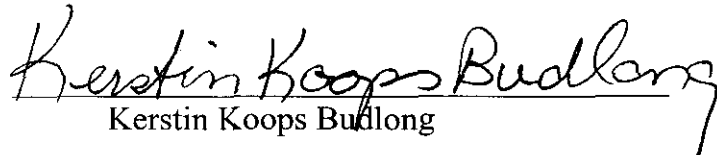
ALLOCR ROMA, TX	278 A 103.5	26-26-05	51.8	115	
ADD RM-11220	0	98-55-16	234.9	-63.2	SHORT
KDFM FALFURRIAS, TX	277 A 103.3 3.00	27-15-29	71.92	72	
LIC Fac. No. 86553 BLH-19980625KC	100	98-07-08	31.3	-0.08	CLOSE
XALLOCR REYNOSA, TA	277 A 103.3	26-05-21	71.8	68	
Fac. No. 95738 -	0	98-16-29	161.9	+3.8	CLOSE
KBFM EDINBURG, TX	281 C0 104.1 100.	26-06-02	93.7	86	
LIC Fac. No. 40777 BMLH-20030501ACJ	373	97-50-21	135.4	+7.7	CLOSE
XHAHUF CIUDAD ANAHUAC, NL	277 C 103.3 100.	27-18-32	187.7	165	
Fac. No. 95163 -	600	100-15-56	291.3	+22.7	CLEAR
XALLOCR CIUDAD ANAHUAC, NL	277 C 103.3	27-18-32	187.7	165	
Fac. No. 95163 -	0	100-15-56	291.3	+22.7	CLEAR
XALLOCR SAN FERNANDO, TA	279 C 103.7	24-50-46	209.3	165	
Fac. No. 94562 -	0	98-09-30	170.6	+44.3	CLEAR
NEW ZAPATA, TX	280 A 103.9 6.00	26-55-03	78.5	31	
APP Fac. No. 162400 BNPH-20050103ADC	100	99-15-00	287.7	+47.5	CLEAR
NEW ZAPATA, TX	280 A 103.9 6.00	26-55-03	78.5	31	
APP Fac. No. 162400 BNPH-20050103ADC	100	99-15-00	287.7	+47.5	CLEAR
NEW ZAPATA, TX	280 A 103.9 6.00	26-55-03	78.5	31	
APP Fac. No. 162400 BNPH-20050103ADC	100	99-15-00	287.7	+47.5	CLEAR
NEW ZAPATA, TX	280 A 103.9	26-54-32	78.7	31	
APP Fac. No. 162400 BSFH-20040805ADR	0	99-15-17	286.9	+47.7	CLEAR
ALLOCR SINTON, TX	279 C1 103.7	28-02-07	181.0	133	
DEL RM-10958	0	97-26-11	35.2	+48.0	CLEAR
ALLOCR REFUGIO, TX	279 C1 103.7	28-02-07	181.0	133	
ADD RM-10958	0	97-26-11	35.2	+48.0	CLEAR
KOUL SINTON, TX	279 C1 103.7 100.	28-02-07	181.0	133	
LIC Fac. No. 7084 BLH-20030814AJZ	290	97-26-11	35.2	+48.0	CLEAR
ALLOC ZAPATA, TX	280 A 103.9	26-54-30	80.3	31	
VAC Fac. No. 95854 Dockt-1998-133	0	99-16-18	286.5	+49.3	CLEAR



CERTIFICATE OF SERVICE

I, Kerstin Koops Budlong, hereby certify that on this date I caused the foregoing "Comments and Counterproposal" to be served by first class mail, postage prepaid, on the following:

Gene A. Bechtel, Esq.
Law Office of Gene Bechtel
1050 17th St., NW, Suite 600
Washington, D.C. 20036
(Counsel for Charles Crawford)


Kerstin Koops Budlong

Dated: May 10, 2005